

I hereby certify that the application is being deposited with the United States Patent and Trademark Office, Washington, D.C. 20231, on Jan 31, 1995.

By Norman H. Jain IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



18X 19/18

1808

Applicant(s) : Kanti Jain, et al.
Serial No. : 08/181,269
Filed : January 13, 1994
For : MACROENCAPSULATED SECRETORY CELLS
Art Unit : 1808
Examiner : D. Naff

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GROUP 1800

January 31, 1995

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

PETITION TO CORRECT INVENTORSHIP
(37 C.F.R. §1.48a)

Sir:

Applicants hereby petition the primary examiner to correct the inventorship of the above-identified application. Specifically, they request that Barry Smith be added as a co-inventor.

In support of this petition, the following items are submitted:

(i) a Statement of Facts, verified by originally named inventors Kanti Jain and Albert Rubin. This verified statement establishes when the error, i.e., the non inclusion of Barry Smith was discovered, how it occurred, and that it occurred without deceptive intent;

(2) a Declaration/Power of Attorney by each of Jain, Rubin and Smith;

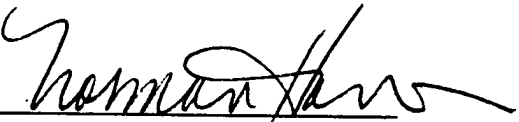
(3) Written Consent of the Assignee, i.e., The Rogosin Institute;

(4) authorization to charge the fee for this Petition to a Deposit Account.

Prompt and favorable action on this petition is requested.

Respectfully submitted,

FELFE & LYNCH

By 

Norman D. Hanson
Reg. No. 30,946

805 Third Avenue
New York, New York 10022
(212) 688-9200

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My resident, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MACROENCAPSULATED SECRETORY CELLS, the specification of which

() is attached hereto.

(X) was filed on January 13, 1994 as Application Serial No. 08/181,269 and was amended on (1) _____, (2) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

Foreign Priority Applications

I hereby claim foreign priority benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes () No ()
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes () No ()

U.S. Priority Applications

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Applic. Serial No.)	_____ (Filing Date)	_____ (Status-patented/pending/abandoned)
_____ (Applic. Serial No.)	_____ (Filing Date)	_____ (Status-patented/pending/abandoned)

(3) Barry Smith

Full Name/Third Inventor

Barry H. Smith
Signature

1/2/75
Date

Residence: 505 East 70th Street

New York, New York 10021

U.S.A.
Citizenship

Post Office Address: 505 East 70th Street

New York, New York 10021

Power of Attorney

I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: John E. Lynch, Reg. No. 20,940; Peter F. Felfe, Reg. No. 20,297; Alfred H. Hemingway, Jr., Reg. No. 26,736; Vincent M. Fazzari, Reg. No. 26,879; Charles A. Blank, Reg. No. 17,419; Norman D. Hanson, Reg. No. 30,946; Walter G. Weissenberger, Reg. No. 17,344; F. Brice Faller, Reg. No. 29,532; Andrew L. Tiajolloff, Reg. No. 31,575; John P. Luther, Reg. No. 32,261; John A. Bauer, Reg. No. 32,554; and Patricia A. Pasqualini, Reg. No. 34,894, my attorneys with full power of substitution and revocation. Address all telephone calls to Norman D. Hanson, at (212) 688-9200. Address all correspondence to:

FELFE & LYNCH
 805 Third Avenue
 New York, New York 10022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Kanti Jain Kanti Jain 11/91/95
 Full Name/Sole or First Inventor Signature Date

Residence: 333 East 66th Street, Apt. 40
New York, New York 10021 India
 Citizenship

Post Office Address: 333 East 66th Street, Apt. 40
New York, New York 10022

(2) Albert L. Rubin Albert L. Rubin 11/91/95
 Full Name/Second Inventor Signature Date

Residence: 220 Allison Court
Englewood, New Jersey 07631 U.S.A.
 Citizenship

Post Office Address: 220 Allison Court
Englewood, New Jersey 07631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CONSENT OF ASSIGNEE

Sir:

Albert L. Rubin, the director of the Rogosin Institute, which is the assignee of the above-identified application (Reel 6848, Frame 0223), has authority to act for the assignee, and hereby consents to the addition of Barry Smith as a co-inventor on this application.

1/19/93

Date

Albert L. Rubin

Albert L. Rubin

613
53-374-
3116

Kanti
Jain

CASE # ROGO 210-NDH

Serial No. 08/181,269

DATE MAILED:

1/31/95

DATE DUE:

The stamp of the Patent Office hereon may be taken as acknowledgment of receipt, on the date stamped, of the following:

1. PETITION TO CORRECT INVENTORSHIP (37 CFR 1.48a)
2. STATEMENT OF FACTS
3. DECLARATION/POWER OF ATTORNEY
4. CONSENT OF ASSIGNEE
5. AUTHORIZATION LETTER

Examiner's
amendment
to follow.

OK'D By
Rubin
Jain
Newland

sent in
oil description

mineral oil
- mineral -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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May 8, 1995

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

LETTER

Sir:

Applicants ask that the attached Statement of Facts be used in place of the Statement of Facts submitted previously. Please note paragraph 3 of the attached, which is new to this statement.

Respectfully submitted,

FELFE & LYNCH

By 

Norman D. Hanson
Reg. No. 30,946

805 Third Avenue
New York, New York 10022
(212) 688-9200

I hereby certify that this paper is being furnished
to the Patent and Trademark Office
and is not shown below.

FELFE & LYNCH

BY 

DATE May 8, 1995



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF FACTS

Sir:

KANTI JAIN and ALBERT L. RUBIN her-by declare as follows:

1. We are the originally listed co-inventors of the above-identified application. We are familiar with the content of the application, and the proceedings in the U.S. Patent and Trademark Office.
2. Shortly after the office action of September 7 had been received, we met with patent counsel to discuss a response. It was at that time that it was realized that Dr. Barry Smith should have been listed as an inventor.

ROGO 210-NDE

3. We had read the specification and understood the claims prior to our execution of the Declaration/Power of Attorney for the subject patent application. We also reviewed the Declaration/Power of Attorney before we signed it, but did not understand the rules governing co-inventorship. It was only after we had discussed the patent application with our representative after it was filed that we became aware that Dr. Barry Smith had been inadvertently excluded as an inventor for the subject application.
4. Dr. Smith has, in fact, been an integral participant in the development of the invention from its conception. Indeed, Dr. Smith had early discussions with Dr. Jain regarding the issue of islet transplantation. Dr. Smith had experience in growing cells, such as neurons and glial cells ~~ex corpora~~, on collagen, and this experience was used, together with Dr. Jain's experience on islet transplantation, in conceiving of protecting islets with coatings of various materials.
5. Dr. Smith and Dr. Jain collaborated closely in the development of experiments and the evaluation of the data generated, wherein various combinations of collagen and other materials were tested. Together, they determined that the combination of collagen and agarose was the best.
6. When discussions turned to the best way to transplant the agarose/collagen coated islets, Dr. Rubin became involved.

ROGO 210-NDH

His contributions to the invention included assessment and evaluation of data which led to the decision to use larger implants, or "macrobeads". It was determined, by all three (Jain, Rubin and Smith), that the macrobead more closely resembled the native environment of the islets, and thus should be used, rather than smaller implants.

7. The inadvertent omission of Dr. Smith is regretted, and was not made with deceptive intent. We respectfully request that Dr. Smith be added as a co-inventor.
8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5/8/95

Date

5/8/95

Date

Kanti Jain
Kanti JainAlbert L. Rubin
Albert L. Rubin